

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
AT PUNE

ORIGINAL APPLICATION NO.94 OF 2023 (WZ)

RAMDAS BABAN GAIKWAD & ANR. APPLICANTS

VERSUS

MAHARASHTRA POLLUTION CONTROL BOARD & ORS RESPONDENTS

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PUNE

DATE : 18/04/2024



ADVOCATE FOR RESPONDENTS NO.05

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
AT PUNE

ORIGINAL APPLICATION NO.94 OF 2023 (WZ)

RAMDAS BABAN GAIKWAD & ANR.

APPLICANTS

VERSUS

MAHARASHTRA POLLUTION CONTROL
BOARD & ORS

RESPONDENTS

REPLY ON BEHALF OF RESPONDENT
No.5 (ANUNI INFRASTRUCTURES)

MAY IT PLEASE THE HON'BLE TRIBUNAL

1. At the outset, it is submitted that, the contents of the Original Application are not admitted by the Respondent No.5 and that the contents therein of are false and incorrect. The Respondent No.5 submits that the statements and averments made in the said Original Application are not admitted by the Respondent No.1 except so far they are expressly admitted herein under. It is further submitted that, the Respondent No.1 craves leave of this Hon'ble Tribunal to file a detailed Reply, if necessary in the present proceedings. At the outset, the original Application filed by the Applicant is devoid of any merit and is liable to be dismissed with the compensatory cost. The Applicant herein is neither resident of the concerned area nor an

aggrieved party. The Applicant herein is claiming relief, which is beyond the purview of this Hon'ble Tribunal. The Applicant has failed to make out a substantial question relating to the environment under the provisions of Section 2(m) of the National Green Tribunal Act, 2010. The Applicant has failed to prove any destruction to the environment.

2. The Respondent No.5 submits that the Respondent No.1 has granted the Consent to Operate dated 4th June 2021 and the same is valid and subsisting till 31st July 2025. Copy of the Consent to Operate is annexed hereto and marked as **ANNEXURE – R-1**.
3. The Respondent No.1 submits that no substantial issue has been made out for adjudication of this Hon'ble Tribunal. The statutory authorities are already performing their statutory duties. The Respondent No.1 had issued proposed directions to the Respondent No.5 (**Pg No.69 of the Paper Book**) based on certain non-compliances. The Respondent No.4 has already complied with those directions and the same has been complied to the Respondent No.1 herein. Copy of the reply dated 17th April 2024 addressed to the Respondent No.1 is annexed hereto and marked as **ANNEXURE – R-2**. The Respondent No.5, thus submits, hence there is no dispute for the Hon'ble Tribunal to be adjudicated. The Respondent No.1

further submits that the Applicant herein has no locus to file the present application and it is also not an aggrieved party to the present proceedings. The Hon'ble Supreme Court has held that the bonafides of the litigant are to be tested before proceeding with the proceedings for adjudication.

4. The Respondent No.1 submits that the present application was listed before the Hon'ble Bench on 14th July 2023 for the first time and the Hon'ble Tribunal also ordered constitution of a joint committee comprising representatives Maharashtra Pollution Control Board and District Mining Officer. This committee was directed to visit the site and submit a factual and action taken report with regard to the violation if any, action taken thereon. The Respondent No.5 submits that the Respondent No.1 has filed its report dated 18th September 2023, wherein no violation has been found on the part of the Respondent No.5. The report states about the proposed directions issued and that the time for compliance has also been noted. The Respondent No.5 has already done the compliances. The Respondent No.3 has also filed a detailed report dated 4th October 2023. The said report also notes that there is non violation on the part of the Respondent No.5.

5. The Respondent No.5, thus submits that there is no substantial question relating to the environment made out by the Applicant and nothing survives in the present application, the same may kindly be dismissed with costs.

Pune
Date : 18/04/2024



Advocate for Respondent No.5

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AT PUNE

ORIGINAL APPLICATION NO.94 OF 2023 (WZ)

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APPLICANTS

VERSUS

MAHARASHTRA POLLUTION CONTROL
BOARD & ORS

RESPONDENTS

AFFIDAVIT IN SUPPORT OF REPLY

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Sachin Tukaram Patil, adult, occupation: business, having office at At Post Digewadi, Taluka Patan, District Satara, do hereby state on solemn affirmation as under: -

1. I say that I am the Partner of the Respondent No.5 in the present case. I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that I am filing the present Reply to oppose the averments and statements made by the Applicant. I say that the contents of the said Reply and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.



WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at

PUNE on this 18th day of April, 2024.
M. Mhalgi *M. Mhalgi*

S. T. Patil
Deponent



BEFORE ME
M. Mhalgi
SANJAY MORESHWAR MHALGI
ADVOCATE & NOTARY
GOVT. OF INDIA
REGD. No. 8148

NOTED AND REGISTERED
AT SERIAL NUMBER 51
DATE 18/04/2024



MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE, PUNE

Phone - (020) - 25811627
Fax - (020) - 25811029
Email : ropune@mpcb.gov.in
Visit At : <http://mpcb.gov.in>



3rd Floor, "Jog Center"
Wakdevadi Mumbai-Pune Road,
Pune - 411 003.

Orange/L.S.I.

Date: 04/06/2021

Consent No: RO-PUNE/CONSENT/ 2106000255

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016

[To be referred as Water Act, Air Act and H & OW (M&TM) Rules respectively].

CONSENT is hereby granted to

M/s. Anuni Infrastructures,
Sr. No. 1297, 1445, 1446, 1450, 1451, 1460, 1462, 523, 524, 525, 526
& 528. A/P- Digewadi (Adul), Tal. Patan Dist. Satara

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of Hazardous & Other Wastes (M&TM) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. The Consent to Operate is granted for a period up to: 31.07.2025
2. The Consent is valid for the manufacture of -

Sr. No.	Product Name	Maximum Quantity	UOM
1.	Stone Aggregates	1000.00	MT/Day
2.	Hot Mix Macadam	100.0	MT/Day

3. CONDITIONS UNDER WATER ACT:

- (i) The daily quantity of trade effluent from the factory shall not exceed Nil.
- (ii) The daily quantity of sewage effluent from the factory shall not exceed 0.7 M³.
- (iii) Trade Effluent: Nil.
- (iv) Trade Effluent Disposal: N.A.
- (v) Sewage Effluent Treatment: The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1) Suspended Solids	Not to exceed	100	mg/l.
(2) BOD 3 days 27° C.	Not to exceed	30	mg/l.
- (vi) Sewage Effluent Disposal: The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) Non-Hazardous Solid Wastes:

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	Stone Dust	50.0	MT/D	--	Sale to brick mfg.

(viii) Other Conditions:

- 1) Industry should monitor effluent quality regularly.
- 2) Industry shall develop green belt of local species in 1/3rd of total area.
- 3) Solid waste from transit. Mixture washing, muck generated from RMC shall either reused through recovery unit/ reclaiming system or disposed off at a designated approved site by local body for debris/construction waste.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic	...	1.00 CMD
(ii) Industrial Processing-Mixing	...	0.00 CMD
(iii) Industrial Sprinkling	...	3.00 CMD
(iv) Agriculture / Gardening	...	0.0 CMD
(v) Other	...	0.0 CMD

5. CONDITIONS UNDER AIR ACT:

- (i) The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

a. Control Equipment for stone crusher & Hot Mix:

- 1) All Conveyor belts shall be adequately covered by G.I./M.S. sheet only & the sprinklers shall install before commencement of operations.
- 2) Screen classifier shall be adequately covered by G.I./M.S. sheet to prevent the emission into the atmosphere due to screening/grading activity.
- 3) Crusher shall be covered and water sprinkling system shall be provided on crusher to suppress the dust generated due to material handling/ loading /unloading activity.
- 4) All approach roads and ramps shall be metalled.
- 5) Curtain or wall shall be provided surrounding the crusher unit.
- 6) Dust containment cum suppression system shall be provided for the Equipment.
- 7) Construction of Wind breaking walls shall be provided especially at charging hopper & crushing Place/VSI.
- 8) Crusher shall develop a green belt / tree plantation along the periphery inside boundary of the stone crusher premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20 Meter height.
- 9) Crusher shall follow regular wetting of roads to suppress the ground level dust within the premises to control the air borne dust emission due to wind velocity.
- 10) Display board shall be provided at the entrance of stone crusher indicating survey number, name & address of owner and the unit.
- 11) Fine dust generated due to screening /crushing / grading shall be disposed off scientifically.
- 12) You shall provide water scrubbing arrangement for scrubbing the obnoxious fumes arise from hot mixing section.



b. Standards for Emissions of Air Pollutants:

(i) SPM/TPM	Not to exceed	The SPM measured between 3 to 10 Mtrs, from any process equipment of a stone crushing unit shall not Exceed 600 µg/m ³
(ii) SO ₂	Not to exceed	14.2 Kg/Day,
(iii) PM ₁₀	Not to exceed	100 µg/m ³
(iv) PM _{2.5}	Not to exceed	60 µg /Nm ³
(v) NO _x	Not to exceed	80 µg /Nm ³

6. Conditions for D.G. Set

- a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
- b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 65 dB(A) during day time and 55 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.
- d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
- e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
- g. D.G. Set shall be operated only in case of power failure.
- h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

7. Standards for Stack Emissions:

(i) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1.	LDO	50.0	Ltr/Hr
2.	Diesel	8.0	Ltr/Hr

(ii) The applicant shall erect the chimney(s) of the following specifications:-

Sr. No.	Chimney Attached To	Height in Mtrs.
1.	Hot Mix Plant	12.0
2	DG Set 60 KVA	2.0 above the roof

(iii) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be

open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.

- (iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.
- (v) **Other Conditions:**
 - 1) The industry should not cause any nuisance in surrounding area.
 - 2) The industry should monitor stack emissions and ambient air quality Regularly.

8. CONDITIONS UNDER HAZARDOUS AND OTHER WASTES (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES, 2016:

- (i) The Industry shall handle hazardous wastes as specified below.

Sr. No.	Type of Waste	Quantity	UOM	Disposal
--NA--				

- (ii) Treatment: - NIL

- 1. The authorization is hereby granted to operate a facility for collection, storage, transport & disposal-of hazardous waste.
- 2. The industry should comply with the Hazardous & Other Wastes (M&TM) Rules, 2016.
 - a. Whenever due to any accident or gas leakage or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Collector, Directorate of Industry, Safety and Health, Police Station, Fire Brigade, Directorate of Health Services, Department of Explosives, Board and Local Body and the production process should be stopped by taking all necessary safety measures. The industry shall also monitor the emission and ensure that the emissions do not cause any harm or nuisance in the surrounding. The industry should not restart the process without permission of the Board and other statutory organization as require under the law.
 - b. The unit has to display and maintain the data online outside the factory main gate in Marathi & English both on a 6'x4' display board in the manner and the report of the compliance along with photograph shall be submitted to this office & concerned Regional Office/ Sub Regional Office.
 - c. It shall be ensured that the Hazardous waste is handled, managed & disposed of strictly in accordance with the Hazardous & Other Wastes (M&TM) Rules, 2016.

9. Industry shall comply with following additional conditions:

- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
- iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance /

pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.

- iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
 - v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipment's provided for without previous written permission of the Board.
 - vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
 - vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
 - viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
 - ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
 - x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.
 - xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
10. This is issued without prejudice to any other permission required under any of the laws, by-laws or regulations in force.
 11. The Consent should not be construed as exemption from obtaining necessary NOC from any other Government agencies as may deem fit necessary.
 12. This Board reserves the right to add / amend / revoke any condition in this consent and the same shall be binding on the applicant.
 13. Industry shall not cause nuisance to the surrounding area, if such condition occurs industry voluntarily stop the production activity.
 14. This consent is issued for stone crushing unit only & industry shall obtain Environmental Clearance for Stone Quarry from competent authority.
 15. Industry shall obtain NOC from CGWA for in case use of ground water extraction within 6 months period else, consent will stand automatically get cancelled.

16. This consent is issued subject to condition that stack height of 12 meter is given by considering 8 hours operation with applied fuel consumption details. Industry shall amend the consent for excess operational hours and increase the stack height according to fuel consumption and operational hours. For the compliance of same, industry shall submit Bank Guarantee of Rs 25,000/- (Rs. Twenty-five Thousand Only) valid upto 30.11.2025, within 15 days, in favour of Regional Officer Pune,
17. Industry shall submit Bank Guarantee of Rs 25,000/- (Rs. Twenty-five Thousand Only) valid upto 30.11.2023, within 15 days, in favour of Regional Officer Pune, towards providing of covering of all conveyors with G.I./M.S. sheets only and metalloid road within premises within 1-month period.
18. Industry shall submit Bank Guarantee of Rs 2,00,000/- (Rs. Two Lakh Only) valid upto 30.11.2025, within 15 days, in favour of Regional Officer Pune, towards ensure the compliance of consent conditions.
19. The Capital investment of the industry is Rs. 1497.65 Lakh.



For AND ON BEHALF OF M.P.C. BOARD

Nitin Shinde
09/11/21
(Nitin Shinde)

I/c. Regional Officer, Pune

To,
M/s. Anuni Infrastructures,
Sr. No. 1297, 1445, 1446, 1450, 1451, 1460, 1462, 523, 524, 525, 526
& 528. A/P- Digewadi (Adul), Tal. Patan Dist. Satara

- Copy to:
- 1) Sub-Regional Officer, MPCB, P - I / P - II / P.C. / Satara / Solapur.
 - 2) Chief Accounts Officer, MPCB, Mumbai

Received Consent fee of-

Sr. No.	Amount (Rs.)	Transaction No.	Date	UAN No.
1	50000.00	TXN2103001501	12.03.2021	105573
2	25000.00	TXN2105000784	11.05.2021	105573
3	50000.00	TXN2105002349	30.05.2021	105573
4	25000.00	TXN2106000231	02.06.2021	105573
5	25000.00	TXN2010000933	11.10.2020	094743
6	50000.00	TXN2008002048	29.08.2020	094743
7	25000.00	TXN2106000261	02.06.2021	105573

Note: From the above fees, Rs 50000 vide sr.no. 6 for UAN no.094743 is used as a refusal fees and remaining Rs.25000 of above sr. no. 5 is considered for this application. Now, no any balance fees is to the Board.



MPCB CONSENT UAN NO 0000105573

Page 6 of 6



Reply to Proposed Direction Notice

1 message

ANNEXURE-R-2

Sachin Patil <anuniinfra@gmail.com>
To: srosatara@mpcb.gov.in

Wed, Apr 17, 2024 at 4:54 PM

Respected Sir,
Respected Sir,

Hereby we are given reply to each point

Sr. No.	Closer Notice Point	Reply
1.	You have not provided 03 nos vibrating screens and some are partially covered with metal tin sheet.	We have covered vibrating screens and some are partially covered with metal tin sheet. We are submitting here with photos. Please find attachment. (Page- 01 to 03)
2.	You have not provided wind breaking wall along with the periphery of your crusher unit.	Work in process Wind breaking wall along with the periphery of our crusher unit. We are submitting here with process work photos. Please find attachment. (Page- 04 & 05)
3.	You have not covered Conveyors belts with metal tin sheet.	Yes we have covered conveyors belts with metal tin sheet. Please find attachment. (Page- 06 to 08)
4.	You have not provided fogger systems/ Water sprinkling system at entry and exit point of the crusher unit.	We are submitting herewith photos of fogger systems/ Water sprinkling systems at entry and exist point of the crusher unit.(Page- 09 & 10)
5.	You have not carried out regular cleaning and wetting of the ground.	Regarding air pollution control we have water sprinkler system, wind breaking wall tin sheet to screen relay & conveyor belts regular wetting & cleaning of ground is carried out. We are submitting herewith photographs. Please find attachment.(Page- 11 to 13)

Hereby requesting you kindly consider our efforts and please process our application & grant consent to us.
Thank you

Yours Faithfully,

Anuni Infrastructures
Mr. Sachin Tukaram Patil
(Partner)

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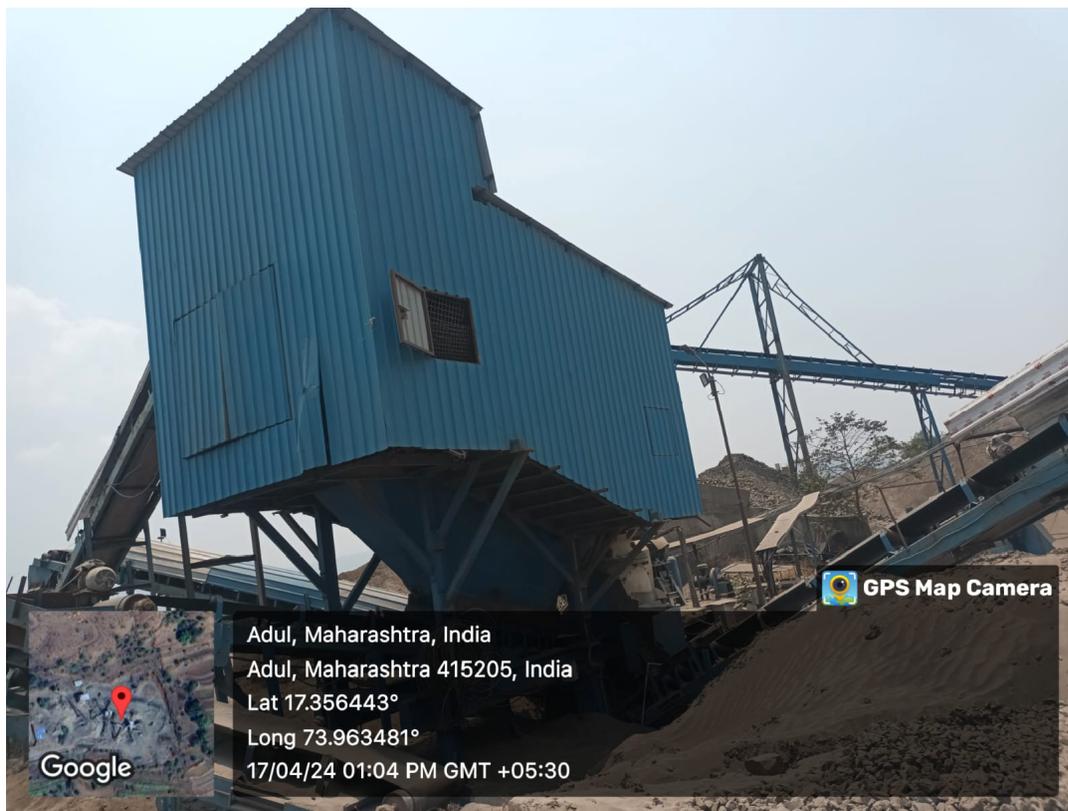
Regards ,
Sachieen Paatil
Anuuni Infrastructress
Karad
9921050444
9823366779

mpcb adul reply to proposed direction notice.pdf
1240K

1 Vibrating screens



1 Vibrating Screens



1 Vibrating screens



2. Wind Breaking Wall



Adul, Maharashtra, India
Adul, Maharashtra 415205, India
Lat 17.355853°
Long 73.962735°
17/04/24 03:31 PM GMT +05:30

GPS Map Camera

3. Covered Conveyor Belts



3.Covered Conveyors Belts



3. Covered Conveyer Belts



4. Fogger Systems/Water Sprinkling Systems



4. Fogger Systems/Water Sprinkling Systems



5. Cleaning & Wetting of the ground



5. Cleaning & wetting of Ground



5. Cleaning & Wetting of Ground

